

YELLOW MEDICINE COUNTY

ORDINANCE NO. 02-2010

SOCIAL HOST ORDINANCE

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**SOCIAL HOST ORDINANCE**

**Section 1. Title and Authority.** The Yellow Medicine County Board of Commissioners desires to protect the health, safety and welfare of all persons living in and visiting the County. The use of alcohol by persons under the age of twenty-one (21) is prohibited by State statute. This ordinance prohibits, and establishes penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age. This ordinance is enacted pursuant to Minn. Stat. §145A.05, subdivision 1.

**Section. 2. Purpose and Findings.** The Board of Commissioners of Yellow Medicine County intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Board of Commissioners of Yellow Medicine County finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

**Section. 3. Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including

dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event, whether that host is present or not.

(e) Parent. "Parent" means any person having legal custody of a juvenile:

- (1) As natural, adoptive parent, or step-parent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

(f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

(g) Residence or Premises. "Residence" or "Premises" means any home, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, or any other place of assembly, public or private, whether occupied as a dwelling or for any social function, and whether owned, leased, or rented.

(h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

#### **Section. 4. Prohibited Acts.**

(a) It is unlawful for any person(s) to;

- (1) host or allow an event or gathering;
- (2) at any residence, premises, or on any other private or public property;
- (3) where alcohol or alcoholic beverages are present;
- (4) when the person knows or reasonably should know that an underage person will or does
  - (i) consume any alcohol or alcoholic beverage; or
  - (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
- (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b) A person is criminally responsible for violating Section 4 of this ordinance if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

**Section 5. Exceptions.**

- (a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (b) This ordinance does not apply to legally protected religious observances.
- (c) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, subd.1(a)(1).
- (d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**Section 6. Enforcement.** This ordinance can be enforced by any police officer, sheriff's deputy, or certified peace officer in the county.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.


**Section 8. Penalty.** Violation of Section 4 of this ordinance is a misdemeanor.

**Section 9. Effective Date.** This ordinance shall take effect thirty (30) days following its final passage and adoption.

Adopted by the Yellow Medicine County Board of Commissioners this 9<sup>th</sup> day of November 2010.

  
Jane Remiger, Chair  
Board of Commissioners

Attest:

 11-9-2010  
Lois Bonde Date  
County Auditor/Treasurer

# YELLOW MEDICINE COUNTY RECORD OF ADOPTION OF A SOCIAL HOST ORDINANCE

- 1) DATE OF PUBLIC HEARING: November 9, 2010
- 2) NOTICE OF INTENT TO ENACT & PUBLIC HEARING ATTACHED SHOWING:
  - a) The time and place of meeting
  - b) Statement of intention of the County Board to act on the adoption of an ordinance after the hearing
  - c) Description of the subject matter and general purpose of the ordinance
- 3) PUBLICATION OF NOTICE IN THE OFFICIAL NEWSPAPER ON: October 27, 2010  
(Canby News)
  - a) Not less than ten days before the hearing
  - b) Proof of publication of the notice of hearing attached
- 4) RESOLUTION FOR ENACTMENT ATTACHED
  - a) Passed by a majority of the full membership of the County Board
  - b) Signed by the Chairman of the Board and attested by the Clerk of the Board
- 5) DATE OF PUBLICATION OF ENACTED ORDINANCE: December 1, 2010  
(Canby News)
  - a) One publication in the official county newspaper as part of the proceedings of the meeting at which the ordinance was enacted - November 9, 2010 Board minutes
  - b) Other publication as the county board may direct
  - c) Proof of publication attached
    - i) It may be done in summary form. See M.S. 331A.01, Subd. 10 for details on using a summary. The title of the ordinance and a summary of it must be included in the publication of the proceedings of the meeting in which the ordinance is enacted. See 331A.01, Subd. 10 for definition of summary.
- 6) COPY FILED IN THE OFFICE OF THE COUNTY AUDITOR ON: November 12, 2010
  - a) Within 20 days after the publication
  - b) Marked as official copy
  - c) Available for use and examination by the public

AFFIDAVIT OF PUBLICATION IN THE CANBY NEWS, CANBY, MINNESOTA

STATE OF MINNESOTA

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COUNTY OF YELLOW MEDICINE

Don Beman being duly sworn, on oath says that he/she is the publisher or authorized agent, and employee of the publisher of the newspaper known as The Canby News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wed the 27 of Oct 20 10, and was thereafter printed and published on every \_\_\_\_\_ to and including \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

BY: Don E. Beman

TITLE: Co-Publisher

Subscribed and sworn to before me on this 18 day of Feb

Notary Public

abcdefghijklmnopqrstuvwxyz



ELINOR J. BEMAN  
NOTARY PUBLIC - MINNESOTA  
My Commission Expires Jan. 31, 2015

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ \_\_\_\_\_  
(Line, word or inch rate)
- (2) Maximum rate allowed by law for the above matter \$ \_\_\_\_\_  
(Line, word or inch rate)
- (3) Rate actually charged for the above matter \$ \_\_\_\_\_  
(Line, word or inch rate)

NOTICE OF PUBLIC HEARING AND INTENTION TO ENACT A SOCIAL HOST ORDINANCE

Notice is hereby given pursuant to the provisions of Minn. Stat. §375.51, Subd. 2, that it is the intention of the Yellow Medicine County Board of Commissioners to enact a Social Host Ordinance, the subject matter and general purpose of the ordinance is as follows:

**Title and Authority.** The Yellow Medicine County Board of Commissioners desires to protect the health, safety and welfare of all persons living in and visiting the County. The use of alcohol by persons under age 21 is prohibited by State statute. This ordinance prohibits, and establishes penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons 21 years of age. This ordinance is enacted pursuant to Minn. Stat. §145A.05, subd. 1.

**Purpose and Findings.** The Board of Commissioners of Yellow Medicine County intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the hosting the event or gathering supplied the alcohol.

Notice is further given that this matter will be considered by the Board of Commissioners at a meeting to be held November 9, 2010, at 10:15 a.m., in the Commissioner's Board Room in the Yellow Medicine County Courthouse located at 415 9th Ave., Granite Falls, MN. A public hearing will be held at said time and place at which all interested persons may appear and provide written or oral comment.

Ryan Krosch  
County Administrator  
10/27

AFFIDAVIT OF PUBLICATION IN THE CANBY NEWS, CANBY, MINNESOTA

# Legals

## Yellow Medicine County Board Meeting Minutes November 9, 2010

Chairperson Jane Remiger called this regular meeting of the Yellow Medicine County Board to order at 9:00 a.m. with Commissioners Louis Sherlin, Gary Johnson, Jane Remiger, Dick Wambeke and Ron Antony present. Also present were County Administrator Ryan Krosch, County Attorney Keith Helgeson, Commissioner-elect Greg Renneke, Granite Falls Advocate Tribune reporter Scott Tedrick and Marshall Independent reporter Phillip Bock.

Approve Agenda 11-09-10-01 Motion by Commissioner Sherlin and seconded by Commissioner Johnson to approve the agenda with the following changes: meetings to discuss shared services with other counties added to the regular agenda; October 2010 investment report added to the informational items. Motion carried with all voting in favor.

Consent Agenda 11-09-10-02 Motion by Commissioner Johnson and seconded by Commissioner Wambeke to approve the consent agenda items as follows: minutes of the October 26, 2010, County Board meeting; contract for professional services with Doug Parsons to complete Computer Aided Mass Appraisal (CAMA) services; medical director agreement with Affiliated Community Medical Centers; 2011 Parent Support Outreach Grant; State of Minnesota aeration agreement for Wood Lake; Human Services Fund budget reallocation for \$10,500; Revenue Fund budget amendment of \$10,100.99 in revenues and expenses. Motion carried with all voting in favor.

Citizen Comments None  
Commissioners' Reports

Commissioner Antony reported on the Southwest Regional Radio Board; CD Coalition, AMC District meeting, Southwest 18 Mental Health and 6W Corrections. Commissioner Wambeke reported on the AMC District meeting and Adult Mental Health LAC. Commissioner Remiger reported on a ditch meeting in District 1, the Planning Commission and Minnesota Machinery

STATE OF MINNESOTA

COUNTY OF YELLOW MEDICINE

Don Beman being duly sworn, on oath says that he/she is the publisher or authorized agent, and employee of the publisher of the newspaper known as The Canby News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Minutes which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wed the 1 of Dec 2010, and was thereafter printed and published on every \_\_\_\_\_ to and including \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

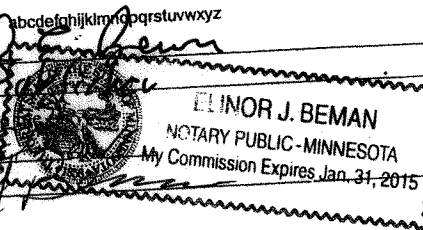
BY: Don Beman

TITLE: Co-Editor

Subscribed and sworn to before me this 10 day of Dec

Notary Public

abcdefghijklmnopqrstuvwxyz



### RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ \_\_\_\_\_  
(Line, word or inch rate)
- (2) Maximum rate allowed by law for the above matter \$ \_\_\_\_\_  
(Line, word or inch rate)
- (3) Rate actually charged for the above matter \$ \_\_\_\_\_  
(Line, word or inch rate)

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A SOCIAL HOST ORDINANCE**

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Notice is further given that this matter will be considered by the Board of Commissioners at a meeting to be held November 9, 2010, at 10:15 a.m., in the Commissioner's Board Room in the Yellow Medicine County Courthouse located at 415 9<sup>th</sup> Ave., Granite Falls, MN. A public hearing will be held at said time and place at which all interested persons may appear and provide written or oral comment.

Ryan Krosch  
County Administrator

RESOLUTION # 28-2010

**RESOLUTION ENACTING THE YELLOW MEDICINE COUNTY  
SOCIAL HOST ORDINANCE**

**The County Board of Yellow Medicine County ordains:**

WHEREAS, the Yellow Medicine County Board of Commissioners desires to protect the health, safety and welfare of all persons living in and visiting the County by enacting the attached Yellow Medicine County Social Host Ordinance (Ordinance); and

WHEREAS, the use of alcohol by persons under the age of twenty-one (21) is prohibited by State statute; and

WHEREAS, The Board of Commissioners of Yellow Medicine County intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol; and

WHEREAS, this Ordinance prohibits, and establishes penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age; and

WHEREAS, this Ordinance is enacted pursuant to Minnesota Statute §145A.05, subdivision 1; and

WHEREAS, notice was given pursuant to the provisions of Minnesota Statute §375.51 that it is the intention of the Yellow Medicine County Board of Commissioners to enact this Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Yellow Medicine County Board of Commissioners does hereby enact the attached Yellow Medicine County Social Host Ordinance and ordains the terms therein.

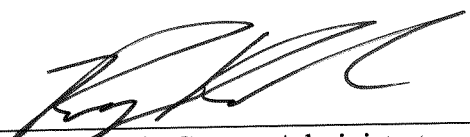
This resolution was approved with 5 members voting in favor and 0 against.

Adopted by the Yellow Medicine County Board of Commissioners this 9th day of November, 2010.

County Board of Commissioners

  
Jane Remiger, Chair

I, Ryan Krosch, Administrator in and for the County of Yellow Medicine, Minnesota, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of County Commissioners on the 9th day of November, 2010.

  
Ryan Krosch, County Administrator